

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

EDDIE PAZ,)	
)	
<i>Plaintiff,</i>)	
)	No. 07 CV 2098
-vs-)	
)	(Judge Kendall)
CITY OF CHICAGO, and UNKNOWN)	
CHICAGO POLICE OFFICERS,)	
)	
<i>Defendants.</i>)	

AMENDED COMPLAINT

Pursuant to leave of Court, plaintiff files this amendment to the complaint and, by counsel, alleges as follows:

1. This is a civil action arising under 42 U.S.C. §1983. The jurisdiction of this Court is conferred by 28 U.S.C. §1343 and 28 U.S.C. §1367.
2. Plaintiff Eddie Paz is a resident of the Northern District of Illinois.
3. Defendant is the City of Chicago.
4. Plaintiff was arrested by Chicago police officers on or about August 22, 2005. Plaintiff does not challenge the legality of the arrest in this action.
5. Following his arrest, and before plaintiff's initial appearance before a judicial officer, several Chicago police officers, whose names are presently unknown to plaintiff, interrogated plaintiff.
6. In the course of the above referred interrogation, one or more of the officers used excessive and unreasonable force against plaintiff, causing him to be deprived of rights secured by the Fourth Amendment to Constitution of the United States.

7. Plaintiff filed this action *pro se* on April 17, 2007.
8. On May 1, 2007, the district court in this action appointed counsel to represent plaintiff.
9. On June 7, 2007, appointed counsel sought leave to withdraw on the ground that his firm represented the City of Chicago and that the City had advised him that "the potential conflict is not one that may be waived."
10. On June 12, 2007, the district court appointed another attorney to represent plaintiff; on June 29, 2007, this attorney sought leave to withdraw because he was a member of a firm which represented the City of Chicago.
11. The City of Chicago appears to have a policy that bars law firms which represent the City from establishing an "ethical wall" of the sort approved by the Seventh Circuit in *Cromley v. Board of Education of Lockport Township High School Districdt* 205, 17 F.3d 1059, 1065 (7th Cir. 1994). Instead, the City appears to insist that law firms which represent the City flatly refuse to permit employees or partners of the law firm from accepting appointments in any case in which an employee of the City of Chicago may be a defendant.
12. As a result of this policy, plaintiff was unable to identify and sue the individual officers referred to in his original complaint within two years of the violation of his Fourth Amendment rights.
13. The district court appointed new counsel for plaintiff on January 8, 2008. Counsel promptly initiated discovery from the City of Chicago to identify the individual police officers.
14. The City of Chicago declined to respond to plaintiff's discovery request and on March 25, 2008, obtained an additional 14 days in which to

identify the officers involved in the interrogation of plaintiff.

15. **CLAIM I:** Plaintiff was deprived of rights secured by the Fourth Amendment to the constitution of the United States by the actions of the officers referred to in plaintiff's *pro se* complaint.
16. **CLAIM II:** As the indemnifier of its police officers under Illinois law, the City of Chicago is liable for the constitutional wrongdoing caused by the officers referred to in plaintiff's *pro se* complaint.
17. **CLAIM III:** If any defendant prevails on a statute of limitations defense, plaintiff will have been deprived of property without due process of law, contrary to rights secured by the Fourteenth Amendment to the Constitution of the United States as a result of the City's above referred policy.
18. Plaintiff requests trial by jury

Wherefore plaintiff prays that the Court award appropriate damages in his favor and against the City of Chicago.

/s/ Kenneth N. Flaxman

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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of March, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Megan Kelly McGrath, Melanie Patrick Neely, 30 N LaSalle Street, Ste 1020, Chicago, IL 60602, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: NONE.

/s/ Kenneth N. Flaxman

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